

# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

REBECCA HARPER, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS,  
in his official capacity as Senior Chairman of  
the House Select Committee on Redistricting,  
et al.,

Defendants.

Civil Action No. 5:19-CV-00452-FL

**AFFIDAVIT OF ABHA KHANNA**

I, Abha Khanna, do hereby swear and affirm as follows:

1. I am a duly-licensed attorney practicing in the State of Washington. I entered a notice of special appearance as one of the attorneys representing Plaintiffs in the above-captioned matter, in association with Local Civil Rule 83.1(d) counsel, Narendra K. Ghosh, Burton Craige, and Paul E. Smith. I respectfully submit this affidavit in support of Plaintiffs' application for an award of attorneys' fees and costs in connection with Legislative Defendants' removal of this action. I have personal knowledge of the matters testified to herein.

2. I am a partner at Perkins Coie LLP in the Seattle office. I graduated from Yale Law School in 2007. Prior to joining Perkins Coie in 2010, I served as a law clerk to Judge Judith W. Rogers of the U.S. Court of Appeals for the District of Columbia Circuit and Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington. I have extensive experience litigating voting rights and redistricting cases around the country, including challenges to congressional and legislative redistricting plans in Florida, Virginia, Texas,

Nevada, New York, and North Carolina. For the purposes of this motion, Plaintiffs are seeking reimbursement for my time at an hourly rate of \$500, consistent with the prevailing market rate for someone with my skills and experience. My normal billing rate is \$720 per hour.

3. Marc E. Elias has been a partner with the law firm Perkins Coie LLP since 2002. Mr. Elias is the Chair of Perkins Coie's Political Law Group and is recognized as a national expert in political and elections law. He has been involved in redistricting litigation in more than a half-dozen states since 2010, including Florida, Texas, Minnesota, Nevada, New York, Virginia, and North Carolina, and has been involved in election-related litigation in numerous other states as well. He has practiced before numerous federal courts, including the United States Supreme Court. For the purposes of this motion, Plaintiffs are seeking reimbursement for his time at an hourly rate of \$500, consistent with the prevailing market rate for someone with his skills and experience. Mr. Elias's normal billing rate is \$1,190 per hour.

4. I have reviewed our firm's billing records associated with Legislative Defendants' removal, and they are consistent with my recollection of the work performed by each of the attorneys listed therein. These billing records were recorded contemporaneously in Perkins Coie's internal time and expense reporting system. The tasks counsel undertook in connection with the removal for which Plaintiffs seek reimbursement include reviewing and revising Plaintiffs' emergency motion to remand the case. A detailed summary of time spent on activities related to Legislative Defendants' removal is attached as Exhibit A.

5. In an effort to be conservative, I have limited the time for which we are seeking fees here by omitting as duplicative time that both Mr. Elias and I devoted to reviewing Legislative Defendants' notice of removal and opposition to Plaintiffs' motion to remand, although such review was essential to the filing of the emergency motion to remand, the decision

not to submit a reply brief, and to Plaintiffs' motion for fees and costs. I have also omitted the time spent reviewing Plaintiffs' motion for fees and costs, preparing this Affidavit, and compiling supporting documentation.

6. I have reviewed the time entries in Exhibit A and have determined that all time spent was reasonably necessary to obtain the result that the Plaintiffs received following Legislative Defendants' removal.

7. Plaintiffs respectfully request that the Court order Legislative Defendants to pay Perkins Coie LLP a total of \$2,050, consisting of attorneys' fees, for our work relating to Plaintiffs' emergency motion to remand.

Respectfully submitted this the 21<sup>st</sup> day of November, 2019.



\_\_\_\_\_  
Abha Khanna

*Attorney for Plaintiffs*

Seattle, Washington

Signed and sworn to (or affirmed) before me on Nov. 21, 2019 (date) by Abha Khanna (name of person making statement).



\_\_\_\_\_  
June Starr

Signature of Notarial Officer  
Title (and Rank)  
My Commission Expires:

2-9-21

# EXHIBIT A

**Perkins Coie LLP Attorney Hours**

Date	TKPR Name	Normal Rate <sup>1</sup>	NC Rate	Billable Hours	Total Billable Amt	Narrative
10/14/2019	Elias, Marc	\$1190.00	\$500.00	1.0	\$500.00	Review removal motion; email with legal team regarding same.
10/14/2019	Khanna, Abha	\$720.00	\$500.00	0.2	\$100.00	Email with legal team regarding removal motion.
10/15/2019	Khanna, Abha	\$720.00	\$500.00	1.6	\$800.00	Review and revise draft motion for remand; email and confer with legal team regarding same.
10/16/2019	Khanna, Abha	\$720.00	\$500.00	0.1	\$50.00	Email with legal team regarding remand strategy.
10/17/2019	Khanna, Abha	\$720.00	\$500.00	0.2	\$100.00	Email with legal team regarding remand strategy.
10/21/2019	Elias, Marc	\$1190.00	\$500.00	0.8	\$400.00	Review response to remand motion.
10/22/2019	Khanna, Abha	\$720.00	\$500.00	0.2	\$100.00	Review remand order.
				<b>4.1</b>	<b>\$2,050.00</b>	

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<sup>1</sup> Mr. Elias's rate is based on his practice in Washington, D.C.; Ms. Khanna's rate is based on her practice in Seattle, Washington.